

REMARKS

A favorable reconsideration is respectfully requested for Claims 3-7, as currently amended. Claims 3-7, prior to this amendment, have been finally rejected under 35 U.S.C. 102 based upon the Applicant's own U.S. Patent 5,030,472. This rejection is respectfully traversed.

Before going into any detail with respect to this traversal, I believe it will be helpful to review FIG. 3 of this present application. As illustrated in FIG. 3, the chuck 40 has downwardly extended prongs 44 and the lower chuck 28 has upwardly extending prongs 30. This arrangement is well known in the prior art and enables the meat product, for example, a ham, to be speared by the prongs 44 and 30 to thus secure the meat product in place while the slicing process is underway.

Because the prongs 44 and 30 have finite lengths, and because the prongs 44 and 30 are in the way, the meat product cannot be sliced any closer to its ends than the lengths of the prongs 44 and 30, respectfully. This results in the meat product, such as shown in FIG. 5 of the '472 Patent to Logan, having greater than desired unsliced meat portions at the upper and lower ends of the meat product.

The present invention overcomes the above described problem by using a pair of spacers 405 and 505, as illustrated in FIG. 3. The spacers 405 and 505, against which the respective ends of the meat product come into contact, have the effect of shortening the effective lengths of the prongs 30 and 44. The actual thickness of the spacers 405 and 505 can be varied as desired. As but one example, if the prongs 30 are 2 inches long and the spacer 405 is 1.5 inches thick, the meat product can be sliced within $\frac{1}{2}$ inch of its lower end. This advance in the art allows the spiral ham slicers to slice the ham, or other meat product, much closer to its ends without making any other modifications to such cutting devices.

Claims 3-7 have been currently amended to call for the ends of the continuous spiral cut to reside within various distances from the first and second ends of the meat product, such as within a range of $\frac{1}{8}$ inch to 1 inch (Claim 3); within $\frac{1}{2}$ inch (Claim 4); within $\frac{1}{4}$ inch (Claim 5); within $\frac{1}{8}$ inch (Claim 6); and within 1 inch (Claim 7).

The Examiner has taken the position that the apparatus which the Applicant uses to produce the claimed meat product is entitled to no patentable weight in the Applicant's meat product claims and that similarly, the method of producing the claimed meat product is entitled to no patentable weight in the Applicant's meat product claims.

However, Claims 3-7, as currently amended, are believed to resolve this issue by calling for the respective ends of the spiral cut to reside within a given distance from the first and second ends of the meat product. Accordingly, the Applicant respectfully submits that Claims 3-7, as currently amended, distinguish over the cited '472 Patent and that Claims 3-7 are in *prima facie* condition for allowance.

The Applicant believes that no fees should be incurred with this Response. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 13-2166.



1/28/05
Date

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Will - J", written over a horizontal line.

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